

To: CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]
Cc: CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA;Michael.G.Nepstad@usace.army.mil;Paul.j.robbershotte@usace.army.mil[]; ichael.G.Nepstad@usace.army.mil;Paul.j.robbershotte@usace.army.mil[];
From: CN=Erin Foresman/OU=R9/O=USEPA/C=US
Sent: Thur 6/30/2011 8:33:39 PM
Subject: Re: MOU (UNCLASSIFIED)
<mailto:Hagler.Tom@epamail.epa.gov>

Hi All,

Just catching up on all these messages. I spoke with Patti Tuesday about basic and overall project purpose. In her opinion, DWR is responsible for providing Corps with a project description and their version of the CWA basic and overall project purpose for the Delta Conveyance project. She is not planning to draft either the project description or the basic/overall project purpose for DWR.

Erin Foresman
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<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

-----Tom Hagler/R9/USEPA/US wrote: -----

To: Karen Schwinn/R9/USEPA/US@EPA
From: Tom Hagler/R9/USEPA/US
Date: 06/30/2011 10:22AM
Cc: Erin Foresman/R9/USEPA/US@EPA, "Michael G SPK Nepstad" <Michael.G.Nepstad@usace.army.mil>, "Paul Robbershotte" <Paul.j.robbershotte@usace.army.mil>
Subject: Re: MOU (UNCLASSIFIED)

Yes, Patti was supposed to be working on the project description for the Corps. I'll nudge David and Patti on that one.

That was consistent with our federal view to move forward quickly but separately on both the MOU and the first milestone.

Tom Hagler
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street, RC-2
San Francisco, California 94105-3901
Phone: (415)972-3945

Karen Schwinn---06/30/2011 09:58:03 AM---I thought the latest plan was for DOI to submit a revised P&N promptly, regardless of MOU signature

From:
Karen Schwinn/R9/USEPA/US

To:
Tom Hagler/R9/USEPA/US@EPA, "Paul Robershotte" <Paul.j.robshotte@usace.army.mil>

Cc:
Erin Foresman/R9/USEPA/US@EPA, "Michael G SPK Nepstad" <Michael.G.Nepstad@usace.army.mil>

Date:
06/30/2011 09:58 AM

Subject:
Re: MOU (UNCLASSIFIED)

I thought the latest plan was for DOI to submit a revised P&N promptly, regardless of MOU signature timeframe. That's the understanding I had from the CEQ call Tuesday afternoon. It might be worth an email to David confirming that he or Patti is moving on that and asking when we should expect it?

If it helps the Corps, we offer Tom's assistance to edit per DWR's comments.

Tom Hagler

----- Original Message -----

From: Tom Hagler

Sent: 06/30/2011 09:44 AM PDT

To: "Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>

Cc: Erin Foresman; Karen Schwinn; "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>

Subject: RE: MOU (UNCLASSIFIED)

Paul -

As of right now, DWR counsel is charged with looping back to DOI Kaylee Allen and her BOR colleague Patti I. to get a collective agreement on what items are "in and out" of this permit.. That was up front at around pages 3-5 in our draft MOU. DWR counsel will come back with language on that set of clarifications, and will also check their understanding of how the Delta Stewardship Council "consistency determination" process applies to the BDCP. This DSC issue arose because our draft MOU cited the consistency determination process as one of the BDCP activities that is either "in or out", and DWR doesn't necessarily agree. Given that this whole DSC process is brand new and is solely a state issue, I decided to let them figure out how best to word the description. It is not critical to the MOU except as background and defining what is and isn't covered.

So they are out today, tomorrow and Monday and said they would come back with language early next week.

Assuming no policy problems arising, we really ought to get this MOU signature ready by the end of next week.

Caveat: At various times, various people have said they want to wrap the first milestone (NEPA's purpose and need and 404's basic and overall project purpose) into the MOU. That will definitely slow things down. I think we have agreed on the federal side to work on them simultaneously but separately. However, if it is decided that you want to have the MOU do both, then we will need more time.

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Phone: (415)972-3945

"Robershotte, Paul J SPD" ---06/30/2011 07:17:23 AM---Classification: UNCLASSIFIED Caveats: NONE

From:
"Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>

To:
Tom Hagler/R9/USEPA/US@EPA

Cc:
Karen Schwinn/R9/USEPA/US@EPA, Erin Foresman/R9/USEPA/US@EPA, "Nepstad, Michael G SPK"
<Michael.G.Nepstad@usace.army.mil>

Date:
06/30/2011 07:17 AM

Subject:
RE: MOU (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Tom

Thanks for this. I did read it before our meetings with Mark & Jerry. When will DWR send us their comments? How many bites at the apple do you think they need? When should we be targeting a "sign on" date?

Best

Paul

-----Original Message-----

From: Hagler.Tom@epamail.epa.gov [mailto:Hagler.Tom@epamail.epa.gov]

Sent: Wednesday, June 29, 2011 12:14 PM

To: Robershotte, Paul J SPD

Subject: Re: MOU (UNCLASSIFIED)

Paul - I left a long message for Karen, so she can fill you in. Nothing major or showstoppers. They want to clarify "what's in and what's out" and make sure the table of BDCP actions reflects everyone's common understanding. But those are do-able issues.

So unless you guys come up with some policy problems, I think the MOU itself is a pretty quick resolution.

Tom Hagler
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Phone: (415)972-3945

From: "Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>
To: Tom Hagler/R9/USEPA/US@EPA
Cc: Karen Schwinn/R9/USEPA/US@EPA, "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>
Date: 06/29/2011 09:28 AM
Subject: MOU (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Tom

I hope to check in with Mark/Jerry this afternoon on MOU. Did you get any update or did anything material surface from DWR Counsel?

Best,

Paul

Paul J Robershotte

Special Advisor

Integrated Water Resource Planning

US Army Corps of Engineers, South Pacific Div

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Classification: UNCLASSIFIED

Caveats: NONE

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Caveats: NONE